

TO: JOINT COMMITTEE ON PUBLIC SAFETY AND SECURITY  
REGARDING: BILL H.B. 5054 JUDICIAL COMMITTEE

MY NAME IS JOHN GORI, FROM MILFORD, CT AND I AM WRITING THIS TESTIMONY IN OPPOSITION TO BILL S.B.5054 – AN ACT PROTECTING VICTIMS OF DOMESTIC VIOLENCE.

IT IS SAD AND UNFORTUNATE, THAT IN YOUR QUEST TO PROTECT PEOPLE IN SITUATIONS OF DOMESTIC VIOLENCE, THAT YOU WOULD REMOVE LANGUAGE FROM AN EXISTING LAW; THAT PROTECTS EVERY CITIZEN'S CONSTITUTIONAL RIGHT TO "HAVE AN OPPORTUNITY TO BE HEARD (BEFORE A JUDGE)" BEFORE THE CITIZEN'S PROPERTY IS TAKEN AWAY.

IN THE EXISTING LAW; WHEN A PERSON ACCUSES ANOTHER PERSON OF (PHYSICAL) ABUSE, THREATING, ETC., THEY FILL OUT A FORM AND SUBMIT IT TO A JUDGE. THE JUDGE WOULD GRANT A RETRAINING ORDER AGAINST THE ACCUSED. THE ACCUSED WOULD THEN HAVE A HEARING WITHIN 14 DAYS TO PRESENT HIS/HER SIDE OF THE STORY, AND THE JUDGE WOULD DECIDE IF THERE WAS MERRIT IN THE CASE TO CONTINUE THE RESTRAINING ORDER TO A MORE PERMANENT BASIS. IF THE JUDGE RENDERED HIS/HER DECISION TO MAKE THE RESTRAINING ORDER PERMANENT; THE ACCUSED WOULD HAVE TO GIVE UP HIS/HER FIREARMS.

IN THE NEW LAW; LEGISLATORS WANT TO REMOVE THE LANGUAGE: "AN OPPORTUNITY TO BE HEARD" FROM 2 SECTIONS (15 53A & 16 53A) OF THE ORIGINAL EXISTING LAW. THIS LANGUAGE WAS IN THE ORIGINAL LAW TO PROTECT EVERY CITIZEN'S CONSTITUTIONAL RIGHT; "TO BE HEARD" BEFORE A JUDGE – BEFORE – THEIR PROPERTY (FIRE ARMS, AMMUNITION, GUN LICENSE) WAS POTENTIALLY TAKEN AWAY. APPARENTLY, THE LEGISLATORS WHO WROTE THE ORIGINAL LAW FULLY UNDERSTOOD THE IMPORTANCE OF HAVING THIS LANGUAGE WRITTEN INTO THE LAW (TO PROTECT A CITIZEN'S CONSTITUTIONAL RIGHT TO BE HEARD BEFORE THEIR PROPERTY IS TAKEN AWAY).

I ASK MY CT LEGISLATORS, "WHAT DOES THIS MEAN TO YOU: THAT THE LEGISLATORS WHO WROTE THE ORIGINAL LAW, MADE SURE THAT THIS CONSTITUTIONAL LANGUAGE (THE RIGHT TO BE HEARD) WAS IN THE LAW?" ALL CT LEGISLATORS ARE SWORN TO SUPPORT THE CONSTITUTIONS OF THE UNITED STATES & CONNECTICUT.

RECENT HISTORICAL EVIDENCE IN CT HAS SHOWN THAT 30% TO 50% OF 'GRANTED TEMPORARY RESTRAINING ORDERS' WERE DISMISSED AT HEARING. IF BILL S.B. 5054 WERE TO BE VOTED INTO LAW; POTENTIALLY 30% TO 50% OR MORE INNOCENT (LAW ABIDING) CITIZENS WILL HAVE THEIR PROPERTY (FIREARMS, ETC.) TAKEN AWAY, AND THIS BEFORE THEY HAD THEIR (CONSTITUTIONAL) RIGHT TO BE HEARD FIRST. THIS WOULD BE A CLEAR VIOLATION OF THEIR CONSTITUTIONAL RIGHTS. THIS WOULD BE A GREAT INCONVIENCE TO THEM. THIS WOULD BE A GREAT MONETARY COST TO THEM. THERE IS GREAT POTENTIAL FOR ABUSE OF THIS LAW, IF YOU REMOVE THE LANGUAGE PROTECTING A CITIZEN'S RIGHT TO BE HEARD 1<sup>ST</sup>.

THE REASON WE HAVE THIS (CONSTITUTIONALLY PROTECTED) LANGUAGE (AN OPPORTUNITY TO BE HEARD) IN OUR LAWS IS TO PROTECT CITIZENS FROM; FALSE ACCUSATIONS AND GOVERNMENT'S ABUSE OF POWER.

FOR THE RECORD; I AM AGAINST ALL FORMS OF ABUSE, THREATENING, INTIMIDATION, ETC. A CLOSE MEMBER OF MY FAMILY HAS EXPERIENCED FIRST HAND DOMESTIC ABUSE. THE ABUSER HAD ACCESS TO AN ILLEGAL GUN, KNIVES, AND OTHER WEAPONS (AS WELL AS HIS HANDS). THE VICTIM TRIED TO GET HELP A COUPLE OF TIMES (WITH NO REAL HELP FROM THE GOVERNMENT). THE VICTIM WAS KEPT IN A 'HOSTAGE SITUATION' BECAUSE OF THE INTIMIDATION OF THE ABUSER. THE VICTIM FINALLY ESCAPED TO A SAFE PLACE (PROTECTED BY A CITIZEN WHO LEGALLY OWNED THEIR OWN FIREARMS). FINALLY A RETRAINING ORDER WAS FILED AGAINST THE ABUSER, AND HE KEPT HIS DISTANCE (HE WENT ON TO FIND ANOTHER VICTIM TO ABUSE).

THE 'REVISED' LAW THAT YOU ARE PRESENTING WOULD DO NOTHING TO REMOVE THIS PERSON'S 'ILLEGAL' FIREARM, NOR HIS OTHER POTENTIAL WEAPONS. THE 'REVISED' LAW WILL NOT STOP SOMEONE WHO IS 'DETERMINED' TO CAUSE A VICTIM HARM (OR DEATH).

THE 'REVISED' LAW 'DOES' VIOLATE THE LAW ABIDING CITIZEN'S CONSTITUTIONAL RIGHTS. IT REMOVES HIS/HER 'RIGHT TO BE HEARD' BEFORE A JUDGE; BEFORE THEIR PROPERTY IS TAKEN AWAY. IF A PERSON IS FALSELY OR WRONGLY ACCUSED, THAT PERSON WILL HAVE THEIR (LEGALLY OWNED) PROPERTY TAKEN AWAY; BECAUSE YOU HAVE AGREED TO REMOVE LANGUAGE (PROTECTING THEIR CONSTITUTIONAL RIGHTS) FROM AN EXISTING LAW.

THE 5<sup>TH</sup> AMENDMENT STATES: ..... NO PERSON SHALL BE COMPELLED IN ANY CRIMINAL CASE TO BE A WITNESS AGAINST HIMSELF NOR BE DEPRIVED OF LIFE, LIBERTY OR PROPERTY WITHOUT DUE PROCESS OF LAW .....

THE 14<sup>TH</sup> AMENDMENT (SECTION 1) STATES: ALL PERSONS BORN OR NATURALIZED IN THE UNITED STATES, AND SUBJECT TO THE JURISDICTION THERE OF, ARE CITIZENS OF THE UNITED STATES AND OF THE STATES WHERE IN THEY RESIDE. NO STATE SHALL MAKE OR ENFORCE ANY LAW WHICH SHALL ABRIDGE THE PRIVILEGES OR IMMUNITIES OF CITIZENS OF THE UNITED STATES: NOR SHALL ANY STATE DEPRIVE ANY PERSON OF LIFE, LIBERTY, OR PROPERTY WITHOUT DUE PROCESS OF LAW; NOR DENY TO ANY PERSON WITHIN ITS JURISDICTION THE EQUAL PROTECTION OF THE LAWS.

I KNOW SOME MIGHT BE TEMPTED TO SAY; 'WE ARE TAKING AWAY PROPERTY 1<sup>ST</sup> & THEN GIVING AN OPPORTUNITY TO BE HEARD 2<sup>ND</sup> (UNDER THE GUISE OF PROTECTION). IN DOING SO, YOU THINK YOU ARE NOT VIOLATING SOMEONE'S CONSTITUTIONAL RIGHTS. THOSE WHO THINK THAT WAY ARE WRONG. THE STATE SHALL NOT DEPRIVE A PERSON OF THEIR "LIFE", "LIBERTY", AND/OR "PROPERTY" BEFORE THAT PERSON HAS HAD A RIGHT TO BE HEARD (TO DEFEND THEMSELVES). WILL YOU TAKE AWAY THEIR 'LIFE' OR 'LIBERTY' 1<sup>ST</sup>, THEN GIVE THEM A RIGHT 'TO BE HEARD' 2<sup>ND</sup>?

DUE PROCESS COMES FIRST (THE RIGHT TO BE HEARD); THE RIGHT TO STAND BEFORE YOUR ACCUSER (AND BEFORE THE ACCUSATIONS) BEFORE PROPERTY CAN BE TAKEN AWAY. THE LEGISLATORS WHO WROTE THE ORIGINAL LAW UNDERSTOOD THIS! THAT IS WHY THEY INCLUDED THE LANGUAGE (THAT SOME OF YOU WANT TO REMOVE) IN THE ORIGINAL LAW.

SINCERELY,

JOHN GORI